

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1758 be amended to read as follows:

- 1 Page 2, delete lines 35 through 38.
- 2 Page 3, line 22, delete "but".
- 3 Page 3, line 23, delete "provided" and insert "**and sold**".
- 4 Page 3, line 23, after "seller" insert "**and not provided by a third**
- 5 **person**".
- 6 Page 4, line 1, delete "are" and insert "**is**".
- 7 Page 4, line 1, after "no" insert "**surviving spouse or**".
- 8 Page 4, line 1, delete "children" and insert "**child**".
- 9 Page 4, line 16, after "trustee" insert "**or escrow agent, acting as**
- 10 **a fiduciary**", ".".
- 11 Page 4, line 19, reset in roman "or".
- 12 Page 4, line 20, delete "or".
- 13 Page 4, delete line 21.
- 14 Page 4, line 23, after "trustee" insert "**or escrow agent, acting as a**
- 15 **fiduciary**".
- 16 Page 4, line 38, delete "or services" and insert ", **or services**", ".".
- 17 Page 4, line 39, delete "provided" and insert "**sold**".
- 18 Page 5, line 25, after "opening" insert "**and closing of**".
- 19 Page 5, delete line 26.
- 20 Page 10, line 2, after "seller" delete "." and insert ", **including the**
- 21 **name of the entity or person owning or controlling the seller if**
- 22 **other than the seller**".
- 23 Page 10, line 16, after "number," insert "**if known**", ".".
- 24 Page 10, line 18, after "trustee" insert "**or escrow agent**".

Page 10, between lines 28 and 29, begin a new line double block indented and insert:

**"(H) The contract must disclose the following:**

**(i) The amount, if any, the seller has elected to receive under subsection (c)(1) or subsection (d)(6).**

**(ii) That a commission or fee will be paid to the seller or the seller's agent on a contract funded under subsection (b)(1)(B)(i).**

**The purchaser must initial the disclosure required under this clause."**

Page 10, line 32, after "effective" insert **"only"**.

Page 11, line 11, delete "sections 12.5(c)(8)" and insert **"subsections (c)(1) and (d)(6)"**.

Page 11, line 11, after "and" insert **"section"**.

Page 11, delete lines 17 through 19, begin a new line block indented and insert:

**"(1) be irrevocable and require that:**

**(A) the seller deposit the insurance policy used to fund the contract into the trust account;**

**(B) the seller deposit the cash used to fund the contract into the trust account. However, within ten (10) days following the date the contract becomes irrevocable, and at the sole discretion of the seller, the contract must permit the seller to deliver a portion of the funeral services subject to the contract and to receive from trust an amount not to exceed ten percent (10%) of the seller's total contract price for services or merchandise only. Cash deposited into trust may not be used to purchase an insurance policy."**

Page 11, line 30, after "on" insert **"receipt of the seller's proof of"**.

Page 11, line 31, delete "an amount equal to the seller's" and insert **"the full amount in trust applicable to the purchaser's contract and all of the accumulated interest; and"**.

Page 11, delete lines 32 through 39.

Page 11, line 40, delete "(9)" and insert **"(8)"**.

Page 12, line 2, after ", " insert **"in the case of a contract funded under subsection (b)(1)(B)(ii),"**.

Page 12, delete lines 3 through 5, begin a new line block indented and insert:

**"not retain the remaining amount but must pay the remaining amount to the designated beneficiary. In the case of all other contracts funded under this chapter, the seller may opt to return the remaining amount to the individual designated by the purchaser to receive the remainder or to the purchaser's estate."**

Page 12, line 7, after "must" insert **"do all of the following"**.

Page 12, line 8, delete "be" and insert **"Be"**.

- 1 Page 12, line 9, delete "trust" and insert "**escrow**".
- 2 Page 12, line 10, delete ";" and insert ".".
- 3 Page 12, line 11, delete "designate" and insert "**Designate**".
- 4 Page 12, line 11, delete ";" and insert ".".
- 5 Page 12, line 12, delete "designate" and insert "**Designate**".
- 6 Page 12, line 14, delete ";" and insert ".".
- 7 Page 12, line 15, delete "require" and insert "**Require**".
- 8 Page 12, line 17, delete ";" and insert ".".
- 9 Page 12, line 18, delete "permit" and insert "**Permit**".
- 10 Page 12, line 19, delete ";" and insert ".".
- 11 Page 12, line 12, delete "a trustee" and insert "**an escrow agent**".
- 12 Page 12, between lines 19 and 20, begin a line block indented and
- 13 insert:  
14 **"(6) Permit the seller to receive an administrative or service**  
15 **fee at the option of the seller. The seller may opt to receive the**  
16 **fee after the day following the date the contract becomes**  
17 **irrevocable. The amount of the fee may not exceed ten percent**  
18 **(10%) of the seller's total contract price for services or**  
19 **merchandise."**
- 20 Page 12, line 20, delete "(6) require" and insert "**(7) Require**".
- 21 Page 12, line 21, after "equal to" delete "the" and insert ":".
- 22 Page 12, delete lines 21 through 23, begin a new line double block
- 23 indented and insert:  
24 **"(A) the seller's original retail price as set forth in the**  
25 **contract for the services or merchandise delivered; minus**  
26 **(B) the amount, if any, received by the seller under**  
27 **subdivision (6)."**
- 28 Page 12, line 24, delete "(7) permit" and insert "**(8) Permit**".
- 29 Page 12, line 27, after "less than" delete "the" and insert ":".
- 30 Page 12, delete lines 28 through 30, begin a new line double block
- 31 indented and insert:  
32 **"(A) the original contract value of all services or**  
33 **merchandise under the contracts, or parts of the contracts**  
34 **that remain undelivered; minus**  
35 **(B) the amounts, if any, received by the seller under**  
36 **subdivision (6)."**
- 37 Page 13, line 10, before "individual" insert "**death of the**".
- 38 Page 13, delete lines 39 through 42.
- 39 Page 14, delete lines 1 through 2.
- 40 Page 14, line 5, reset in roman "an".
- 41 Page 14, line 6, reset in roman "individual,".
- 42 Page 14, line 8, after "partnership" insert ":".
- 43 Page 14, line 9, reset in roman "(1)".
- 44 Page 14, line 10, delete "." and insert ";".
- 45 Page 14, line 10, after "or" insert "**and**".
- 46 Page 14, between lines 10 and 11, between a new line block

- 1 indented and insert:
- 2 **"(2) holding a certificate of authority under his chapter."**
- 3 Page 14, line 20, delete ".".
- 4 Page 14, line 20, reset in roman "or".
- 5 Page 14, line 21, reset in roman "escrow agent."
- 6 Page 14, line 34, delete "However, a seller using an escrow shall".
- 7 Page 14, delete lines 35 through 36.
- 8 Page 14, line 39, strike "Except for out-of-state transfers,".
- 9 Page 14, line 39, delete "for".
- 10 Page 14, delete lines 40 through 42.
- 11 Page 15, delete line 1.
- 12 Page 15, line 2, delete "certificate of authority,".
- 13 Page 15, line 2, strike "the seller who was previously designated
- 14 may".
- 15 Page 15, strike line 3.
- 16 Page 15, line 4, strike "percent (5%) of the previously designated
- 17 seller's".
- 18 Page 15, line 4, delete "original".
- 19 Page 15, line 4, strike "contract".
- 20 Page 15, line 5, strike "price,".
- 21 Page 15, line 5, delete "less any services or merchandise delivered
- 22 as of the date of".
- 23 Page 15, line 6, delete "notice of transfers.".
- 24 Page 16, line 8, after "trustee" insert **"or escrow agent"**.
- 25 Page 16, line 21, after "trust" insert **"or escrow"**.
- 26 Page 16, line 30, delete "." and insert **"or the designated recipient**
- 27 **of the escrow funds."**
- 28 Page 17, line 18, delete "." and insert **"or escrow."**
- 29 Page 17, line 19, after "trust" insert **"or escrow"**.
- 30 Page 17, line 37, after "trustee" insert **"two dollars and fifty cents**
- 31 **(\$2.50) on contracts having a value of less than one thousand**
- 32 **dollars (\$1,000) and"**.
- 33 Page 17, line 38, after "(\$5)" insert **"on contracts having a value**
- 34 **of at least one thousand dollars (\$1,000)"**.
- 35 Page 17, line 39, after "." insert **"However, no fee is due and**
- 36 **payable on contracts funded with a previously issued life insurance**
- 37 **policy."**
- 38 Page 19, line 9, after "million" insert **"five hundred thousand"**.
- 39 Page 19, line 9, strike "(\$1,000,000)" and insert **"(\$1,500,000)"**.
- 40 Page 19, line 11, after "million" insert **"five hundred thousand"**.
- 41 Page 19, line 12, strike "(\$1,000,000)." and insert **"(\$1,500,000).".**
- 42 Page 19, line 16, delete "shall" and insert **"may"**.
- 43 Page 19, line 20, after "chapter" insert **"to be added to the fund**
- 44 **established under section 28 of this chapter."**
- 45 Page 19, line 26, after "company," insert **"or"**.
- 46 Page 19, line 26, after "corporation" delete ",".

- 1 Page 19, line 27, delete "an association, or a partnership".
- 2 Page 19, line 37, after "." insert "**Each act committed in violation**
- 3 **of this subsection constitutes a separate offense.**".  
(Reference is to HB 1758 as printed February 9, 1999.)

---

Representative Lytle